

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-128

MALIK SAMUEL, a/k/a/"SIZZLES"

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). Defendant filed a motion *in limine* to suppress statements made by him to law enforcement after he involved his right to remain silent be granted. On July 6, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion *in limine* to suppress statements made by him to law enforcement after he involved his right to remain silent be granted. The Magistrate Judge filed a corrected Report and Recommendation on July 14, 2010.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's

motion *in limine* to suppress statements made by him to law enforcement after he involved his right to remain silent be granted.

This case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: August 4, 2010